Legislation Details (With Text)

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5/11/2005	*	City Council	Introduced by Council	
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12/31/2005	*	City Council	Filed (End of Session)	

Res. No. 948

Resolution calling upon President George Bush to fully fund the federal No Child Left Behind Act.

By the Speaker (Council Member Miller) and Council Members Addabbo Jr., Baez, Boyland, Brewer, Clarke, Comrie, Dilan, Fidler, Gennaro, Gonzalez, Jackson, James, Koppell, Liu, Nelson, Recchia Jr., Sanders Jr., Sears, Stewart, Weprin and Katz

Whereas, In 2002, the federal government enacted the No Child Left Behind Act ("NCLB"), which requires that school districts meet certain criteria in order to receive federal education funding; and

Whereas, Such criteria includes annual testing on a number of subjects, certain remedial action if schools do not make "adequate yearly progress" (AYP) towards high test scores and "highly qualified" teachers, as defined in the Act; and

Whereas, Meeting the mandates of NCLB requires the expenditure of a significant amount of funds for, among other things, the development of new curricula and tests, supplemental tutoring, undertaking corrective action or restructuring for schools that do not achieve AYP and increased teacher training; and

Whereas, NCLB contains an unambiguous unfunded mandates provision (Section 9527 (a)), which

provides that "[n]othing in this Act shall be construed to … mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act"; and

Whereas, Recently, the school district of the City of Pontiac, Michigan, and others, commenced a lawsuit in the federal court in the Eastern District of Michigan, (School District of the City of Pontiac v. Spellings), seeking and order declaring that states and school districts are not required to spend non-NCLB funds to comply with NCLB mandates, and enjoining the federal government from withholding any funds to which states and school districts are entitled under NCLB because of failure to comply with the legislation's mandates due to such non-spending; and

Whereas, According to the lawsuit, there is a significant shortfall in federal funding of the NCLB, which such shortfall results in the need for school districts to spend funds and incur costs not paid for by NCLB in order to meet this legislation's requirements, in violation of NCLB's unfunded mandates provision; and

Whereas, The New York City school district receives funds from the federal government pursuant to NCLB and is therefore subject to the requirements of this legislation; and

Whereas, Federal funding received by New York City is insufficient to pay for testing, teacher training, remedial action and other NCLB mandates; now, therefore, be it

Resolved, That the Council of the City of New York calls upon President George Bush to fully fund the federal No Child Left Behind Act.

LP/MHG
LS# 2857
5/29/05